



mwe.com

Warren Haskel
Attorney at Law
whaskel@mwe.com
+1 212 547 5533

May 24, 2022

VIA E-FILING

Hon. Lorna G. Schofield
United States District Court
Southern District of New York
500 Pearl Street
New York, New York 10007

**Re: *UMB Bank, National Association, as Trustee for the Public Finance Special Facility Revenue Bonds, Series 2018A and 2018B v. Sita Partners LLC and Austin FBO Holdings, LLC*,
Case No. 1:21-cv-10670-LGS – Request to Modify Existing Production Deadlines Pending
Appointment of Counsel for Defendant Sita Partners LLC and for a Conference in the
Event That Counsel Is Not Appointed Within 30 Days**

Dear Judge Schofield:

We represent Plaintiff UMB Bank, National Association, as Trustee for the Public Finance Special Facility Revenue Bonds, Series 2018A and 2018B (the “Trustee”) in the above-captioned action. We write on behalf of the Trustee and Defendant Austin FBO Holdings, LLC (“Holdings”) in connection with the Court’s May 18, 2022 Order permitting Binder & Schwartz LLP to Withdraw As Attorney of Record for Defendant Sita Partners LLC (“Sita”) (Dkt. 64, the “Order”).

Before the Order’s entry, the parties agreed on certain interim discovery deadlines, including completing their respective productions based on agreed-upon search terms no later than May 27, 2022, and producing privilege logs by June 3, 2022, as explained in the parties’ May 16, 2022 Joint Status Letter (Dkt. 59, the “Joint Letter”). While the Trustee and Holdings are still on schedule to meet their remaining obligations under these deadlines, in light of the Court’s Order and the withdrawal of Binder & Schwartz, the Trustee and Holdings will be unable to serve any additional disclosures in response to Sita’s discovery requests until Sita obtains new counsel of record.

The Trustee and Holdings therefore respectfully request to be permitted to modify the deadlines as agreed upon in the parties’ Joint Letter to require the Trustee and Holdings to (i) complete their respective productions to the extent necessary within two days of receiving notice of the appointment of new counsel of record for Sita; (ii) produce privilege logs seven days thereafter; and (iii) meet and confer with Sita’s new counsel of record within two days of their notice of appearance regarding the dates by

**McDermott
Will & Emery**

One Vanderbilt Avenue New York NY 10017-3852 Tel +1 212 547 5400 Fax +1 212 547 5444
US practice conducted through McDermott Will & Emery LLP.

May 24, 2022
Page 2

which Sita will comply with these deadlines and an appropriate schedule to allow the Trustee and Holdings sufficient time to review those disclosures before depositions and the close of fact discovery, currently scheduled for July 14, 2022.

Further, in the event that Sita does not obtain counsel within 30 days of the Court's May 18, 2022 Order—in which case the Court has advised that a default judgment may be entered against Sita—the Trustee and Holdings respectfully request that the Court (i) stay all existing deadlines provided in the Court's March 10, 2022 Civil Management Plan and Scheduling Order (Dkt. 39); and (ii) schedule a conference to discuss the proceedings going forward, three days in advance of which the Trustee and Holdings will submit a joint letter outlining their position(s) on a potential default judgment and the proposed contours of any further proceedings.

The Trustee and Holdings will forward a copy of this letter, as well as any subsequent endorsement (or other such order) of the Court, to Sita's registered agent. The Trustee and Holdings appreciate Your Honor's time and consideration of this matter.

Respectfully submitted,

/s/ Warren Haskel
Warren Haskel

cc: All Counsel of Record

Sita Partners LLC (via Federal Express only)
c/o William T. Peckham, Registered Agent
1104 Nueces St. #104
Austin, TX 78701-2106